

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ASCENT PHARMACEUTICALS, INC.,

Plaintiff,

v.

U.S. DRUG ENFORCEMENT  
ADMINISTRATION,

Defendant.

Civ. No. 2:23-cv-07211

**DECLARATION OF JIM WALDEN**

Jim Walden, an attorney licensed to practice in the State of New York, affirms under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a Partner at the law firm of Walden Macht & Haran LLP, which is located at 250 Vesey Street, 27th Floor, New York, New York 10281. I am counsel for Plaintiff Ascent Pharmaceuticals, Inc. (“Ascent”) in the above-captioned matter.

2. I submit this affirmation in support of Ascent’s Complaint, and submit the exhibits described below.

3. Attached hereto as **Exhibit 1** is a true and correct copy of a letter, dated November 11, 2022, from Edward Siclari to Nick Oberheiden.

4. Attached hereto as **Exhibit 2** is a true and correct copy of an email exchange, dated December 16, 2022, among Vasu Sabella, Mary Rochee, Roger Bach, Sudhakar Vidiyala, and others, with the subject, “Fwd: Ascent Pharmaceuticals, Inc.”

5. Attached hereto as **Exhibit 3** is a true and correct copy of a letter, dated December 20, 2022, from Oberheiden P.C. to David Siclari, with the subject, “Response to December 16, 2022, Request for Additional Information.”

6. Attached hereto as **Exhibit 4** is a true and correct copy of an email exchange, dated January 18, 2023, among David Locher, Nick Oberheiden, Edward O. Siclari, William Newman, and others, with the subject “FW: Ascent Pharmaceuticals, Inc.”

7. Attached hereto as **Exhibit 5** is a true and correct copy of an email exchange, dated April 17, 2023, among Matthew Strait, Sudhakar Vidiyala, and Stacey Harper-Avilla, with the subject, “Ascent – pending quota applications.”

8. Attached hereto as **Exhibit 6** is a true and correct copy of an email exchange, dated July 21, 2023, among James Schwartz, Nick Oberheiden, William Newman, and others, with the subject, “RE: [EXTERNAL] Fwd: Ascent Pharmaceuticals: Meeting request.”

9. Attached hereto as **Exhibit 7** is a true and correct copy of an email exchange, dated October 27, 2022, among Matthew Strait, Sudhakar Vidiyala, Stacy Harper-Avilla, and Susan Treasure-McDowell, with the subject “DEA Request for Additional Information for 2023 application submitted by Ascent Pharmaceuticals RA0448503.”

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 27th day of September 2023.

*/s/ Jim Walden*

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Jim Walden